IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY FOURTH DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE M.H.S.ANSARI

and
THE HON'BLE MR JUSTICE T.CH.SURYA RAO

WRIT PETITION NO : 17344 of 2004

Between:

G.Murali, S/o Gattu Chowdappa,
R/o B.Pappur Village, Narpala Mandal, Ananthapur District

..... PETITIONER

AND

1 The Regional Transport Authority, rep.by its Secretary,
O/o the Regional Transport Officer, Ananthapur, Ananthapur District.
2 The Inspector of Police, M.V.Special Squad, Ananthapur,
Ananthapur District

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order or direction more particularly one in the nature of Writ of Mandamus, declaring the action of the 1st respondent in issuing the Demand Notice R.No.1360/C4/2004 dated 26-7-2004 and demanding the Tax Rs.39,000/- and not releasing the vehicle of the petitioner bearing Registration No.AP02/U-2423 which was seized pursuant to the vehicle Check Report No.163/2004 dated 25-2-2004 by the 2nd respondent is illegal, arbitrary and against the principles of natural justice, consequently direct the 1st respondent to release the petitioner's vehicle bearing Registration No.AP02/U-2423 which was seized pursuant to the vehicle check report No.163/2004 dated 25-2-2004 of the 2nd respondent and kept the vehicle at Narpal Police Station to the petitioner herein forthwith.

Counsel for the Petitioner: MR.S.A.K.MYNUDDIN

Counsel for the Respondent No.1: GP FOR TRANSPORT

Counsel for the Respondent No.2: NONE APPEARED.

The Court made the following :

ORAL ORDER (Per Hon'ble M.H.S.Ansari,J)

Heard the learned counsel for the respective parties.

The petitioner is said to be purchaser of the vehicle in question from the registered owner.

It appears that a show cause notice was issued to the registered owner of the vehicle in question calling upon him to show cause why tax of Rs.15,000/- together with penalty of Rs.24,000/- should not be collected from him for the period from 01-10-2001 to 31-03-2004. It appears from the order under challenge that an Advocate represented the registered owner and prayed for payment on instalments. The first respondent-Regional Transport Authority confirmed the demand and directed payment within 10 days from the date of the impugned notice dated 26-07-2004.

Insofar as the demand for tax is concerned, same appears to be not disputed by the registered owner.

As regards the penalty is concerned, an appeal lies against the impugned order under Section 12 of the Motor Vehicle Taxation Act,1963. We are therefore, not inclined to entertain the instant writ petition as it is open to the aggrieved party to file an appeal against the order imposing penalty.

As regards the interim custody of the vehicle is concerned, it is open to the aggrieved party to renew the request before the appellate authority after payment of tax imposed and subject to such conditions as the appellate authority may impose in that behalf.

With the observation as above, the writ petition accordingly stands disposed of. No costs.

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M.H.S.ANSARI,J

24th January,2005

*TSNR

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T.Ch.SURAYA RAO,J

TO

1 The Secretary, Regional Transport Authority,
O/o the Regional Transport Officer, Ananthapur, Ananthapur District.
2 The Inspector of Police, M.V. Special Squad, Ananthapur,
Ananthapur District

3. Two CCs to GP for TRANSPORT, High Court Buildings, high Court of A.P.(OUT)

4. Two C.D.Copies.